



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: August 2, 2012

CBCA 2532

REVA MURPHY ASSOCIATES, INC.
– AMERICAN INCORPORATED JOINT VENTURE,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Dennis C. Ehlers, Laurence Schor, and Michael K. Koger of Asmar, Schor & McKenna, PLLC, Washington, DC, counsel for Appellant.

Kate Gorney, Office of the Regional Counsel, Department of Veterans Affairs, San Francisco, CA, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **POLLACK**, and **DRUMMOND**.

DANIELS, Board Judge.

Reva Murphy Associates, Inc. – American Incorporated Joint Venture (the Joint Venture) claimed that it was entitled to \$1,244,251 and 309 additional calendar days of performance time under a contract with the Department of Veterans Affairs (VA) to remodel portions of the Veterans Affairs Medical Center in Fresno, California. A VA contracting officer denied most of the claim, awarding only \$70,000, and the Joint Venture appealed that decision to the Board.

The parties have now resolved their differences and have submitted to the Board a Joint Motion for Judgment on Stipulated Settlement. In the motion, the parties ask the Board

to make an award to the Joint Venture in the amount of \$500,000 (in addition to the \$70,000 previously paid pursuant to the contracting officer's decision) as "full and complete compensation for all costs, direct and indirect, including but not limited to impact, on both changed and unchanged work associated with claim CBCA No. 2532, under Contract No. V261C-2821." The parties have also asked us to incorporate the settlement agreement into our decision. Under this agreement, if payment is not made within ninety days of the date of this decision, interest will also be paid on the \$500,000, at rates prescribed by the Contract Disputes Act, 41 U.S.C. § 7109 (Supp. IV 2011), from the ninety-first day after the date of the decision until full payment of the \$500,000 is made.

The parties have stipulated that they will not seek reconsideration of, or relief from, the Board decision that makes the requested award, and that they will not appeal that decision.

Decision

The motion is granted. The appeal is **GRANTED IN PART**. The Department of Veterans Affairs shall pay to Reva Murphy Associates, Inc. – American Incorporated Joint Venture the sum of \$500,000. If payment is not made within ninety days of the date of this decision, the VA will also pay to the Joint Venture interest on the \$500,000, at rates prescribed by the Contract Disputes Act, from the ninety-first day after the date of the decision until full payment of the \$500,000 is made. Rule 25(b) (48 CFR 6101.25(b) (2011)).

STEPHEN M. DANIELS
Board Judge

We concur:

HOWARD A. POLLACK
Board Judge

JEROME M. DRUMMOND
Board Judge